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BC8

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/181,402	10/28/98	BEACH	M RU998-106

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MESA AZ 85201

LM01/0822

EXAMINER

CHUNG, D

ART UNIT	PAPER NUMBER
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2779

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DATE MAILED:

08/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/181,402

Applicant(s)

BEACH, MARK J.

Examiner

Daniel J Chung

Art Unit

2779

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 6-25-1999, which has been placed in the application file and considered by the Examiner.

Drawings

The drawings are not objected to by the Draftperson as shown in the enclosed form PTO-948.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (5,826,031).

Regarding claim 1, Nielsen discloses that the claimed feature of an apparatus (See Abstract, Fig 1) comprising

- a) at least one processor (See Fig 1)
- b) a memory coupled to the at least one processor (See Fig 1)
- c) an image file residing in the memory, the image file defining higher priority portions and lower priority portions such that when the image file is transferred, the higher priority portions of the image file are transmitted before the lower priority portions of the image file. (See Fig 1, Abstract, col 1 line 51-57)

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Nielsen does not specifically disclose that "image file". However, Examiner take Official Notice that Web file in Nielsen (See Fig 1) is an obvious embodiment of the notoriously well known image file. Also See col 1 line 39-50 in Nielsen) therefore, it would have been obvious to one skilled in the art to have "image file" in the teaching of Nielsen.

Regarding claim 2, Nielsen discloses that a receiving computer receiving portions of the image file, the receiving computer comprising [an image interpreter] and an image viewer residing on the receiving computer, the image interpreter translating the received portions of the image file into image data, such that the image viewer can display the higher priority portions of the image file before displaying the lower priority portions of the image file. (See Abstract, Fig 1, col 1 line 51-57)

Nielsen does not explicitly disclose that "an image interpreter". However, the image interpreter is inherent by the web browser in order to display the received image file on the display device. Therefore, it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Nielsen.

Regarding claim 3, Nielsen discloses that an image prioritization editor residing in the memory, the image prioritization editor allowing at least one portion of an image to be selected and assigned at least one priority. (See Abstract, Fig 1, col 1 line 51-57, col 6 line 13-23)

Regarding claim 4, Nielsen discloses that the [image interpreter] saving the image in a graphics file format. (See Abstract, Fig 1, col 1 line 51-57)

Nielsen does not explicitly disclose that "image interpreter". However, the image interpreter is inherent by the web browser in order for the server computer to store the image files in the proper format. Therefore, it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Nielsen.

Regarding claim 5, refer to the discussion for the claim 4, Nielsen discloses that the graphics file format is joint picture experts group format, graphics interchange format, or bitmap format. (See Abstract, Fig 1)

Regarding claim 6, Nielsen discloses that the graphics file format comprises a plurality of portions of the image, each portion corresponding to the at least one priority. (See Abstract, Fig 1, col 6 line 13-23)

Regarding claim 7, Nielsen discloses that a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the image file, the simulation browser adding a delay between portions of the image file. (See Abstract, Fig 1, col 1 line 39-col 2 line 24)

Regarding claim 8, claim 8 is similar in scope to the combination of claims 1 and 2, and thus the rejections to claims 1 and 2 hereinabove are also applicable to claim 8.

Regarding claims 9-13, claims 9-13 are respectively equivalent to claims 3-7, and thus the rejections to claims 3-7 hereinabove are also respectively applicable to claims 9-13, but applied in view of the rejections to base claim 8.

Regarding claims 14-16, claims 14-16 are similar in scope to claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 14-16.

In addition, Nielsen discloses that signal bearing media bearing the image interpreter wherein the signal bearing media comprises transmission media or recordable media. (See Abstract, Fig 1)

Nielsen does not specifically disclose that "transmission media" and "recordable media". However, those are inherent in order for the server computer to store or transmit the image files. Therefore, it would have been obvious to one skilled in the art to have "transmission media" or "recordable media" into the teaching of Nielsen.

Regarding claims 17-22, claims 17-22 are respectively equivalent to claims 2-7, and thus the rejections to claims 2-7 hereinabove are also respectively applicable to claims 17-22, but applied in view of the rejections to base claim 14.

Regarding claim 23, claim 23 is the corresponding program product of claims 14 and 17. Thus, the rejections to claims 14 and 17 hereinabove are also applicable to claim 23.

Regarding claims 24-30, claims 24-30 are respectively equivalent to claims 15-22, and thus the rejections to claims 15-22 hereinabove are also respectively applicable to claims 24-30, but applied in view of the rejections to base claim 23.

Regarding claim 31, claim 31 is the corresponding method of claim 1. Thus, the rejection to claim 1 hereinabove is also applicable to claim 31.

Regarding claims 32-34, claims 32-34 are respectively equivalent to claims 4-6, and thus the rejections to claims 4-6 hereinabove are also respectively applicable to claims 32-34, but applied in view of the rejections to base claim 31.

Regarding claim 35-36 and 38-40, claim 35-36 and 38-40 are similar in scope to claims 8, 13 and 10-12. Thus, the rejections to claims 8, 13 and 10-12 hereinabove are also applicable to claim 35-36 and 38-40.

Regarding claim 37, Nielsen discloses that the step of translating the portion of the image file into image data further comprises that step of decompressing the portion of the image file. (See Abstract, Fig 1)

Nielsen does not explicitly disclose that "decompressing". However, decompressing is inherent in order to decompress the compressed image data for displaying. Therefore, it would have been obvious to one skilled in the art to have "decompressing" into the teaching of Nielsen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am - 5:00pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mark R. Powell, can be reached on (703) 305-9703. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Djc

August 16, 2000


MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2700